

Message Text

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CAPE TOWN ALSO FOR EMBASSY

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TAGS: PGOV, PINT, SF

SUBJ: PIETERMARITZBURG CONFERENCE DISCUSSES POSSIBLE

CONSTITUTIONAL CHANGE

REF: 77 PRETORIA A-194

1. A NUMBER OF SOUTH AFRICA'S LEADING AFRIKANER AND ENGLISH-SPEAKING ACADEMICS AND POLITICIANS DEBATED CONSTITUTIONAL CHANGE AND POSSIBLE CONSTITUTIONAL ALTERNATIVES FOR SOUTH AFRICA DURING A CONFERENCE FEBRUARY 14-16 AT NATAL UNIVERSITY AT PIETERMARITZBURG. CONCEIVED BY UNIVERSITY VICE PRINCIPAL DENYS SCHREINER (AND FINANCED IN LARGE PART BY THE ANGLO-AMERICAN CORPORATION), THE CONFERENCE ORIGINALLY WAS PLANNED FOR LATE 1977 TO DISCUSS THE SAG'S PROPOSED CONSTITUTIONAL CHANGES BEFORE THE 1978 PARLIAMENTARY SESSION. HOWEVER THE UNEXPECTED GENERAL ELECTION FORCED POSTPONEMENT UNTIL FEBRUARY AND FRUSTRATED PLANS TO HAVE MANY MPS PRESENT AND PARTICIPATING (ONLY FIVE OR SO ATTENDED).

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2. CONFERENCE WAS HIGHLIGHTED BY DISCUSSION OF THE SAG'S NEW CONSTITUTIONAL PROPOSALS BY MP DENNIS WORRALL, A REPUTED CHIEF ARCHITECT OF THE PLAN. USING A CHART DEPICTING THE INTER-RELATIONSHIPS OF THE VARIOUS EXECUTIVE, LEGISLATIVE, AND CONSULTATIVE BODIES, WORRALL GAVE AN EXTREMELY OPTIMISTIC AND FAVORABLE INTERPRETATION OF THE PLAN'S "ADVANTAGES". HE

ADMITTED THAT THE PLAN COULD NOT BE CONSIDERED DURING THE 1978 PARLIAMENTARY SESSION BECAUSE CERTAIN ELEMENTS, EG. BUDGET AND FISCAL MECHANISMS, AMENDMENT AND LEGISLATIVE PROCEDURES, AND ACCOUNTABILITY OF THE STATE PRESIDENT, WERE NOT FINALIZED. HE NEVERTHELESS STATED THAT WHAT WAS ALREADY KNOWN ABOUT THE PLAN PROVED IT A "MOMENTOUS STEP IN SOUTH AFRICAN HISTORY", GIVING COLOREDS AND INDIANS FULL CITIZENSHIP RIGHTS, A PROPORTIONAL ROLE IN DECISION-MAKING, AND A SHARE OF POWER. HE ALSO "REVEALED" SOME NEW ELEMENTS OF THE PLAN, INCLUDING THE POSSIBLE REQUIREMENT FOR A QUALIFIED MAJORITY OF THE ELECTORAL COLLEGE TO ELECT THE STATE PRESIDENT AND THE POSSIBILITY THAT THE MEMBERS OF THE COUNCIL OF CABINETS WILL HOLD ALL MINISTERIAL PORTFOLIOS. COLORED LABOR PARTY LEADERS ALAN HENDRICKSE AND DAVID CURRY CHALLENGED WORRALL'S INTERPRETATIONS, QUOTING PRIME MINISTER VORSTER AND OTHER CABINET MEMBERS WHO HAD TOLD THEM THERE WOULD BE NO POWER-SHARING AND WHITES WOULD HOLD ALL PORTFOLIOS. WORRALL THEN RETREATED INTO THE SUBJUNCTIVE, SAYING HE ONLY "SUPPOSED" SUCH CHANGES WERE "LIKELY" AND "MIGHT" BE A PART OF THE FINAL PLAN. HE CLAIMED HE WAS ONLY ONE OF MANY WHO HAD CONTRIBUTED TO THE PROPOSALS AND THEN IMPLIED HE WAS PLAYING ONLY A MINOR ROLE IN THE CURRENT INTRA-NATIONAL PARTY DEBATE OVER THE UNDETERMINED ELEMENTS OF THE PLAN.

3. FURTHER SESSIONS DISCUSSED VARIOUS CONSTITUTIONAL MODELS AND CHANGE. ALMOST ALL PARTICIPANTS, EITHER UNCONSCIOUSLY OR CONSCIOUSLY, TOUCHED IN SOME DEGREE ON THE SAG'S NEW CONSTITUTIONAL

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PLAN. ONE RESULT WAS THAT THE LECTURES AND DISCUSSIONS PRODUCED AN UNSTATED CONSENSUS ON THE NECESSARY ELEMENTS OF SOUTH AFRICAN CONSTITUTIONAL CHANGE. ALMOST ALL PARTICIPANTS AGREED, FOR EXAMPLE, THAT BEFORE A NEW CONSTITUTION CAN BE IMPLEMENTED, DISCRIMINATORY LEGISLATION MUST BE ABOLISHED, REPRESENTATIVES OF ALL GROUPS SHOULD PARTICIPATE IN ITS FORMULATION, AND ALL CITIZENS SHOULD BE EDUCATED AS TO THEIR RIGHTS AND DUTIES UNDER A CONSTITUTIONAL SYSTEM. THEY ALSO AGREED THAT SOUTH AFRICA IS A PLURAL SOCIETY, THAT MANY OF THE POPULATION GROUPS (WHETHER ETHNICALLY OR RACIALLY-DEFINED) WANT SELF-RULE AND WOULD RESIST DOMINATION BY OTHER GROUPS, AND THAT FEDERALISM WAS THE ONLY TYPE OF GOVERNMENT ACCEPTABLE TO MOST GROUPS. PARTICIPANTS ALSO CALLED FOR AN ENTRENCHED BILL OF RIGHTS IN AN INFLEXIBLE CONSTITUTION, AND A FORMAL RECOGNITION OF THE PRINCIPLE OF JUDICIAL REVIEW. SOME POINTED TO THE TURNHALLE AS A PRIME EXAMPLE OF A CONSTITUTIONAL PROCESS ENCOMPASSING ALL THESE ELEMENTS. OTHERS, ENTHUSED OVER PRESS REPORTS OF INTERNAL SETTLEMENT IN RHODESIA, POINTED TO IT AS AN EXAMPLE FOR SOUTH AFRICA. THE CONFERENCE ORGANIZERS PLAN TO PUBLISH A RECORD OF THE PROCEEDINGS AND PUBLISH IT IN THE NEAR FUTURE.

4. AMONG CONFERENCE PARTICIPANTS WERE: PFP MP F. VAN ZYLE

SLABBERT: STELLENBOSCH UNIVERSITY PROFESSORS B. VOSLOO,
S. TERREBLANCHE, AND J.L. SADDIE; S.A. FOREIGN AFFAIRS
ASSOCIATION DIRECTOR CAS DE VILLIERS; POTCHFSTROOM UNIVERSITY
PROFESSOR J. VAN DER VYVER; INKATHA, NATAL INDIAN CONGRESS, SAIC,
CRC, AND HOMELANDS GOVERNMENTS REPRESENTATIVES; NRP CHAIRMAN
RADCLYFFE CADMAN; AND A SMALL NUMBER OF REPRESENTATIVES FROM
GOVERNMENT DEPARTMENTS, INCLUDING SECURITY AGENCIES AND THE
MILITARY.
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